



**CITY OF KINGSTON PLANNING BOARD
MEETING MINUTES
June 8, 2015
Common Council Chambers – 6:00 PM**

NOTES: (1) These meeting minutes are a summarization of notes and not an absolute transcript of dialogue. (2) All public hearings are conducted after open public speaking and any comment received is included within the written section of the minutes. (3) In the absence of full Planning Board Members, or in the case of a necessary abstention, the Planning Board Alternates will participate in the vote in order of seniority.

A meeting of the City of Kingston Planning Board was held on June 8, 2015 in the Common Council Chambers at Kingston City Hall, 420 Broadway, Kingston, New York. The meeting was called to order at 6:00 PM by Chairman Wayne D. Platte, Jr.

BOARD/ALTERNATE MEMBERS PRESENT: Wayne D. Platte, Jr., Chairman; John Dwyer Jr, Vice Chairman, Charles Polacco, Robert Jacobsen, Jonathan Korn and William Tubby.

BOARD/ALTERNATE MEMBERS ABSENT Mary Jo Wiltshire and Jamie Mills.

OTHERS: Suzanne Cahill, Planning Director, Kyla Haber, Assistant Planner, Ald. Brad Will, Common Council Liaison.

GENERAL NOTES:

1. Pledge of Allegiance
2. Introduction of all Board Members and Staff Present
3. Identify exits, bathrooms, no elevator in case of emergency
4. Silence cell phones, conversations should be taken out of room
5. Respect speakers

REGULAR BUSINESS:

Item #1: Open Public Speaking (6:00P.M. – 6:15 P.M.)

George Donskoj, resident on Abeel Street, Chairman of the Historic Landmarks Preservation Commission. Is advocating for the creation of a demolition ordinance and review committee to review plans for demolishing structures in the City of Kingston prior to the City acting under a “demolition by neglect” process.

Item #2: Adoption of the May 11, 2015 Planning Board minutes.

Discussion: Chairman Platte asked the Board if they had time to review the minutes and if there were any comments or corrections. The Board agreed that there were no proposed changes.

Decision: The Board voted unanimously to adopt the May 11, 2015 Planning Board Minutes. (WP, RJ, JD, CP, JK – yes)

PUBLIC HEARINGS:

Item #3: #23 Rondout Street & 200 2nd Avenue LOT LINE REVISION of the lands of Frederick T. Cadden. SBL 48.83-6-22.100 & 20. SEQR Determination. Zone RR. Ward 7. Frederick Cadden; applicant/owner.

Discussion: No one spoke at the public hearing. The applicant was not present at the meeting. S. Cahill explained that the applicant requested that the application be tabled for one month as plans for the lot line revision are being further developed.

Decision: The Board voted unanimously to table the application for one month to be placed on the July 2015 meeting agenda. (WP, RJ, JD, CP, JK – yes)

Item #4: #322 Albany Avenue SPECIAL PERMIT renewal for a 3 room Bed and Breakfast. SBL 48.318-1-4. SEQR Determination. Zone R-2. Ward 2. Ryland Jordan; applicant/owner.

Discussion: No one spoke at the public hearing. Ryland Jordan was present at the meeting. The renewal is for operation of a 3 room Bed and Breakfast. The parcel contains two structures; a large single family home, with attached garage area and a two family structure. B&B's are permitted by special permit on Albany Avenue with the condition that the business complies with all the requirements listed in section 405-45 of the zoning code. The Board confirmed that the applicant is aware of the following requirements and that the operation complies with this list:

A. Requirements.

- (1) The bed-and-breakfast shall be the primary residence of the owner-operator, with no other use allowed.*
- (2) The maximum length of stay for any guest shall be seven consecutive days. In no way may the establishment be used as a boarding/rooming house, as provided in § 405-12(B)(2).*
- (3) No cooking facilities shall be permitted in any of the rented rooms.*
- (4) Two off-street parking spaces shall be established, on premises, for the residence with an additional off-street parking space for each room to be let.*
- (5) The maximum number of rooms which may be rented is four, unless it can be shown that the structure and/or parcel is of sufficient size to contain more rooms while meeting the purpose of this article.*
- (6) One, non-illuminated sign, free standing or attached, shall be permitted, not to exceed two square feet and shall not include the words "hotel" or "motel." (7) Manual outward modification of the structure may be made only if such changes are compatible with the character of the area or neighborhood and the intent of the zoning district in which it is located.*
- (8) The architectural integrity and arrangement of existing interior spaces must be maintained and the number of guests rooms shall not be increased except as may be required to meet health, safety and sanitation requirements.*

Staff informed the Board that they reviewed the Municipality software which revealed no pending complaints or permits with the Building Safety Division. There were no police reports on record for the past year either.

A term for the permit was discussed, however, under the current zoning code a Bed & Breakfast use requires annual renewal by the Planning Board. The Board agreed to continue the 1 year term.

A determination of environmental significance was discussed. Because the project involves no changes and is purely an administrative act of renewal, it was categorized as a Type II action under SEQR, and therefore was predetermined to have no environmental impact and no SEQR review of the Board is required.

Decision: The Board voted unanimously to render the action a Type II under SEQR and to approve the special permit for a period of 1 year to expire on June 8, 2016 with all original conditions carried forward. (WP, CP, JD, RJ, JK – yes)

Item #5: **#288 Wall Street** SPECIAL PERMIT renewal to convert office space to an apartment. SBL 48.331-6-21. SEQR Determination. Zone C-2, Mixed Use Overlay, Stockade Historic District, Heritage Area. Ward 2. Brad Will/ applicant; Hudson Valley Property Ventures, LLC/owner.

Discussion: No one spoke at the public hearing. Brad Will, the property owner, was present at the meeting. The application is to renew the 2nd floor apartment in the Mixed Use Overlay District. The original permit was issued in May 2014 for a period of 1 year upon conversion from office space to a residential apartment. The ground floor is occupied by Hudson Coffee Traders and the 3rd floor remains office space.

R. Jacobsen asked if the work was complete. B. Will stated that the apartment is finished and that he has a tenant occupying the space.

The space is 996sf consisting of 3 rooms and a ¾ bathroom. There is a separate door at street level to access the stairway for the upper floors of the building. The doorway to the apartment is off of the hallway and enters into the living & dining area. S. Cahill asked whether the office space in the rear of the second floor was utilized by the residential tenant or whether it was a separate occupancy. B. Will replied that the space is separate from the apartment.

There are no issues reported with the Building Safety Division. The applicant was made aware prior to the meeting that he needed to register with the Building Safety Division under the Landlord Registration requirement. B. Will responded that he had sent the form into the BSD. The applicant was also informed that there was a building permit for plumbing that had not been closed out. B. Will stated that he would look into closing the permit.

Staff told the Board that there were 6 incidents for the past year; 5 were for Hudson Coffee Traders including medical emergency, unwanted subject, hit and run, animal complaint, and car lockout. 1 incident, open door/window for Polizzi Esquire.

The Board discussed a term for the special permit. Special permits in the mixed use overlay district allow for an initial term of 1 year with subsequent renewals having a term as set by the Board. The previous term was for 1 year. The Board agreed to a 2 year term.

A determination of environmental significance was considered. Because the project involves no changes and is purely an administrative act of renewal, it was categorized as a Type II action under SEQR, and therefore was predetermined to have no environmental impact and no SEQR review of the Board is required.

Decision: The Board voted unanimously to render the action a Type II under SEQR and to approve the special permit for a period of 2 years to expire on June 8, 2017 with all original conditions carried forward, compliance with the landlord registration requirement, and closure of any outstanding building permits. (WP, JK, CP, RJ, JK – yes)

OLD BUSINESS:

Item #6: **#63 North Front Street** SITE PLAN to establish rooftop dining on an existing building. SBL 48.314-2-15. SEQR Determination. Zone C-2, Stockade Historic District, HAC. Ward 2. George Lewandowski; applicant/owner.

Discussion: George Lewandowski was present at the meeting. The Board approved the site plan to establish rooftop dining at the May 11, 2015 Planning Board Meeting. The applicant returned to the Planning Board to present final details agreed upon by the owner and the Historic Landmarks Preservation Commission. Staff received an email from Julie Smith, BSD, on the afternoon of June 8, 2015 advising that the HLPC approved the application. G. Lewandowski presented a photo of the fencing that he will be using. The fence will be horizontal wood slats that will provide some privacy. He also explained to the Board that he had discussed the possibility of adding a small bathroom on the roof of the building to limit the up and down use of the stairs by patrons. He explained that it would only be used seasonally and would be set up in such a way that it will be drained in the winter months.

Decision: The Board voted unanimously to approve the final details of the site plan for rooftop dining including the addition of a fence and seasonal bathroom facility. (WP, RJ, JD, CP, JK – yes)

NEW BUSINESS:

Item #7: **#523 Delaware Avenue** SITE PLAN to establish a bar and grill in an existing building. SBL 56.35-6-1. SEQR Determination. Zone R-1, LWRP Boundary. Ward 7. Blaine Smith/applicant; Matthew Katakis/owner.

Discussion: Blaine and Julie Smith were present at the meeting. B. Smith explained that he is looking to purchase the building at 523 Delaware Avenue to establish a bar and grill. He told the Board that the building has been vacant for 2 ½ years. He added that he has been taking care of the property because he and his family live next door and they didn't want to see it become an eyesore.

The building is located in an R-1 zone. The applicants are seeking a use variance and are scheduled to be on the June 16th ZBA agenda. B. Smith explained that they have a contract to purchase the building from the current owner but that the purchase is contingent on the obtaining all necessary approvals.

B. Smith told the Board that there will be extensive renovations to the interior including electric, plumbing, HVAC, flooring, walls, and installation of a full kitchen and bar. The exterior will stay much as it is now with new signage and updated lighting installed. B. Smith stated that he had originally anticipated the renovations to take 6-8 months but that he is now thinking that they will take somewhere between 8-11 months.

The applicants stated that they are planning to serve a limited bar menu. Hours of operation will be 7 days a week, Monday –Saturday 10am-12am and Sunday from 12pm-12am. Employees will include 1 full time manager and 4-6 employees. The Board recognized that B. Smith is a Kingston Police Officer and that his wife J. Smith works in the Building Department.

The site plan being proposed is the exact site plan that was approved for the previous tenants for “Poppy’s Pizza.” There will be 8 off street parking spaces along rear perimeter of the property with a refuse containment area in the rear as well.

Signage details were circulated showing that the placement of the signs will be similar to the previous tenant. The business will be called “The Corner Bar & Grill.” Two signs will be located over each window with a sign above the door in the shape of a badge, paying homage to the applicant’s profession as a police officer. The applicants expressed the possibility of adding black awnings over the windows as well. The only lighting being proposed will be down lighting to illuminate the signage.

Refuse & Recycling – There is a refuse storage area on site in the rear of the property. B. Smith stated that he plans to improve the shed.

The Heritage Area Commission approved the consistency review at the May 27, 2015 meeting. Other approvals include the ZBA for the use variance, Health Department for food service, and a liquor license. A copy of the liquor license will need to be submitted for the file once approved.

The following Board Policies were considered: #4 and 4a – Lighting levels and adjustments as may be necessary, #6 – signature on final plans, #7 and 7a – Site Plan approvals and compliance with all conditions, #10 – Banners, flags, etc. prohibited with exception of grand opening, #11 – window signage, if proposed is limited to 20%, #12 – Emptying of dumpsters and deliveries only during normal business hours, #13 – Notification if change in ownership or mailing address, #19 – compliance with noise ordinance.

This was considered an Unlisted Action under SEQR a determination of environmental significance was discussed.

Decision: The Board voted unanimously to render a negative declaration of environmental significance and to approve the site plan for a restaurant bar & grill with the following conditions:

- receipt of a use variance from the ZBA,
- a copy of the liquor license submitted to the Planning Office,
- Board Policies #4 and 4a – Lighting levels and adjustments as may be necessary, #6 – signature on final plans, #7 and 7a – Site Plan approvals and compliance with all conditions, #10 – Banners, flags, etc. prohibited with exception of grand opening, #11 – window signage, if proposed is limited to 20%, #12 – Emptying of dumpsters and deliveries only during normal business hours, #13 – Notification if change in ownership or mailing address, #19 – compliance with noise ordinance.

(WP, RJ, JD, CP, JK – yes)

Item #8: #294 Wall Street SITE PLAN to establish a restaurant in an existing commercial building. SBL 48.331-6-24. SEQR Determination. Zone C-2, Stockade Historic District, HAC. Ward 2. Jessica Salamone/applicant; BRK Group Inc./owner.

Discussion: Applicants Jessica and Annie Salamone and project architect Scott Dutton, were present at the meeting. The application is to establish a restaurant in a commercial building. The storefront was previously occupied by M&T Bank. The new restaurant will be called “Alley Cat.”

Plans, dated 5/27/15, and an application were submitted by Scott Dutton Associates. The plans show that the applicant is planning to add a kitchen in the rear of the space and a new bar along one wall. A single bathroom already exists and will remain in place.

S. Dutton submitted a brief narrative for the file. He explained that the business will be open 7 days a week with hours of operation being Monday – Thursday 11am-2am, Fridays & Saturday 11am-3am, and Sunday 11am-2am. The kitchen will be open Monday 11am-11pm and Thursday-Sunday 11am-1am. The food will be Italian/American with a separate lunch and dinner menu.

The plans show that there will be 44 seats; 8 tables of 4 and 10 seats at the bar. The parking requirement for restaurants is 1 space per 3 seats or 1 space per 100sf whichever is greater. The space is approximately 3000sf which results in the total required parking being 30 spaces. Recognizing that there is no off-street parking opportunity for the property the Board agreed to waive the parking based on the proximity to municipal lots.

S. Cahill informed the applicants that if they decide that they want to pursue sidewalk dining, a separate permit is required from the Fire Department. The applicants stated that they have no plans for outside dining at this time.

Signage for the building will be wall mounted with existing exterior lighting to remain in place. Signage details were not provided. S. Dutton told the Board that the applicants will be seeking approval from HLPC and HAC later this month and early next month.

The applicants are seeking a private hauler for refuse pickup. R. Jacobsen asked the applicants if the owner provided any space for the applicants to store their garbage. Discussions had taken place with the owner during reviews for upper floor housing which was never pursued. S. Dutton stated that the lease comes with basement space for storage but that he would look at it

again for any mention of refuse. The applicants were also informed that recyclables can be put to the curb for city pickup as well.

Other approvals include UC Health Department for food service and the NYS Liquor Authority for a liquor license.

The following Board Policies were considered: #6 – signature on final plans, #11 – window signage, if proposed is limited to 20%, #19 – compliance with noise ordinance.

J. Dwyer asked about deliveries. The applicants stated that they did not have all the details worked out yet but that they anticipated deliveries once a week and they would be taken from the street.

The application was considered an Unlisted Action under SEQR a determination of environmental significance was discussed.

Decision: The Board voted unanimously to render a negative declaration of environmental significance and to approve the site plan to establish a restaurant with the following conditions: final signage and lighting submitted to staff, confirmation of refuse pickup, Heritage Area and Historic Landmarks Preservation approvals for exterior changes including signage, Ulster County Health Department approval for food service, the addition of a Knox Box for emergency access by the Fire Department. (WP, CP, JD, RJ, JK – yes)

NOTE: William Tubby excused himself from the meeting.

Item #9: **#20 Cedar Street** SITE PLAN/SPECIAL PERMIT to demolish the existing commercial building and construct mixed use, multi-story building. SBL 56.109-4-2.100. SEQR Determination. Zone O-2, Mixed Use Overlay District. Ward 4. RUPCO/applicant; Ferraro Mid City Lanes/applicant.

Kathryn McCollough asked to speak about the proposed Cedar Street project. K. O'Connor mentioned that he was speaking to K. McCollough in the hallway during the open speaking portion of the meeting and that was the reason she did not speak then.

K. McCollough stated that she had three concerns about the project: 1) the project is moving along very quickly with little opportunity to inform the public, 2) the project may not result in the outcomes intended, 3) the project may divert community energy and public funding streams away from more contemporary strategies. The draft Comprehensive Plan has changed for the better based on public input, however, the midtown section needs additional work and there is still time to engage the public on this portion. Kingston has 25% of Ulster County's population and 58% of its "affordable housing." The federal funding requirements can lead to imbalance and concentrations of poverty. We don't need to concentrate new projects in midtown. It makes more sense to ask RUPCO to concentrate on affordable home ownership. Tax payer dollars could be put to work to support property maintenance. Money could be used to assist in renovating converting upstairs spaces along Broadway. The RUPCO project would include commercial space in an area where 25% of the commercial space in midtown is vacant. The

Planning Board should slow down the approval process and engage Kingston's residents and stakeholders.

Discussion: Kevin O'Connor and Chuck Snyder were present to represent RUPCO. Scott Dutton, project architect, Michael Moriello, attorney, and David Ferraro, owner were also present. S. Dutton presented revised site plans and basic floor plans. He explained that the details of the plan are still being developed. The plans presented showed that there were to be 3 apartments on the ground level with the commercial space. S. Dutton explained that after conversations with S. Cahill, the ground level apartments are being removed in favor of commercial space.

K. O'Connor asked to respond to some of the comments made by K. McCollough, re-iterating that he had spoken with her prior to the meeting about some of her concerns. He stated that RUPCO has invested \$700,000 in the last 3 years into the 1st time homebuyers program. He also stated that the commercial space on the ground floor is not intended to compete with other existing commercial space in the area, but rather to enhance and expand opportunities. This space is being focused to accommodate civic groups that are looking for new space including the Center for Creative Education, Community Action, and Hudson Valley Tech Meet-up. C. Snyder presented Board members with a handout listing prospective commercial tenants and an explanation on the affordability of this project.

K. O'Connor explained the levels of affordability being sought for this project. In 2009, RUPCO was one of several entities that participated in a 3 county housing needs assessment. The result of the study was a demonstrated need for affordable homeownership and rental housing for every municipality in the three counties. The study forecasted the affordable gap for 2010, 2015, or 2020 calling for a "to be built" number of 900 new rental units by 2015. The Lace Factory resulted in 60 new rental units.

The Low-Income Housing Tax Credit Program restricts the affordability level to 60% of the median income. This is the same income level being used at the Lace Factory which received double the number of applications as it has available units. The 60% threshold would mean that tenants could have incomes of \$31K-45K for 1 to 4 person households. 15% of the units will be set aside for tenants that make up to 90% median income. This would equate to \$47K-67K for households of 1-4 people. K. O'Connor added that the income restrictions would qualify 42% of all City of Kingston residents and the 90% income level would qualify 62% of all residents.

J. Korn stated that he had been approached by a number of residents that were asking questions about the project. He compiled a list of questions/comments that he wanted to read to the Board and applicants. During community charrettes, did the community express the need? Is the need for rezoning consistent with the comprehensive plan? Nothing about this project enhances midtown as a destination. One resident would have liked to see an ice skating rink as a draw to midtown and a compliment to UPAC. The commercial spaces should be identified and tenants secured. Tax payers are already overburdened, what would be the change in tax base from the bowling alley to this project. What impact will this have on services? Will there be private security?

K. O'Connor responded that RUPCO is one of the highest paying tax payers in the City of Kingston, paying over \$130,000 a year in taxes. They have only one pilot agreement in the City. He added that the Center for Creative Education and the sky deck being proposed will be draws to midtown. The vision for the sky deck is to allow for use of this space in conjunction with UPAC or for other events in the City.

R. Jacobsen asked why, if the City and County are looking for additional housing for families, are the apartments mostly 1 bedroom units with some 2 bedroom units. K. O'Connor stated that overall, the traditional family size is shrinking. He also stated that in his experience he receives far more applications for 1 bedroom and studio apartments than he does for 2 or more bedroom units. This was further illustrated by the applications that were received for the Lace Factory whereby, the majority of applications were for the 1 bedroom units.

S. Dutton stated that as a resident of the City he has been approached by people that are excited to see that something is happening in midtown, not only in the projects being proposed, but in the energy of the neighborhood. The Cedar Street project being proposed by RUPCO and the Lace Factory are helping to bring life into the area. Other investors are feeling the change as well and are purchasing buildings and completing major renovations.

W. Platte said that he was happy that K. O'Connor further explained the income levels for the project. He stated that the starting salary for a firefighter and many other City employees and hospital employees and others will qualify for this housing. He confirmed with K. O'Connor that if the salary of a tenant raises after they move in, they would not be required to move out.

K. O'Connor stated that W. Platte was correct. A tenant could move into the building and hit the lottery the next day and the only thing that would happen would be that the rent would rise. He added that his sister had been talking to him about housing recently because she is a widow with children away at college. She is looking to downsize and she would now be eligible to live in affordable housing if there was any housing available where she lives.

RUPCO and the team for the Cedar Street project offered to conduct a public informational meeting to present the plan and explain in greater detail the requirements and levels of affordable housing for this project. Members of the public could ask questions, express their concerns or offer their support/objections for the project. The Planning Board agreed that this would be very beneficial and set the date for June 30th at 6 PM. Staff will confirm the availability of the Chambers and a notice will be circulated.

Staff explained that the SEQR documentation had been circulated with the Planning Board's intent to seek Lead Agency to the Involved and Interested Agencies on May 13th, 2015. By statute, the identified agencies are given 30 days to respond. The Board cannot make any decisions until Lead Agency is declared.

Decision: The Board voted unanimously to table the application and to set up an informational meeting for June 30th, 2015. (WP, JD, CP, RJ, JK – yes)

RECOMMENDATION:

Item #10: **#20 Cedar Street** RECOMMENDATION of REZONING on property from O-2 (Limited Office), Mixed Use Overlay to C-2 (Central Commercial), Mixed Use Overlay. SBL 56.109-4-2.100. Ward 4. RUPCO/applicant; Ferraro Mid City Lanes/applicant.

Discussion: Kevin O'Connor and Chuck Snyder were present to represent RUPCO. Scott Dutton, project architect, Michael Moriello, attorney, and David Ferraro, owner were also present. The Common Council Laws and Rules Committee referred the re-zoning request to the Kingston Planning Board.

The property owners are seeking to amend the zoning designation from O-2 Limited Office to C-2 Central Commercial. Staff explained that the Common Council referred the request to the Planning Board and the Ulster County Planning Board as required in the City of Kingston Zoning Code. The Board agreed, after reviewing staff notes prepared, based on the location and potential future uses for the property, the Common Council should approve the zoning change.

Decision: The Board voted unanimously to recommend the zoning change from O-2 Limited Office to C-2 Central Commercial. The change would be an extension of the C-2 zone and would allow for more flexibility in future uses of the property. (WP, JD, CP, RJ, JK – yes)

June 8.15/MINUTES